

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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LIONEL KING,

Case No. 2:21-cv-01452-CDS-BNW

Plaintiff,

ORDER

v.

JULIO CALDERIN, *et al.*,

Defendants.

This action began with a *pro se* civil-rights complaint filed under 42 U.S.C. § 1983 by a state prisoner. Plaintiff has applied to proceed *in forma pauperis*. (ECF No. 1 at 1–11). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on June 7, 2022. (ECF No. 6). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 6, 8). The parties did not reach a settlement at the mediation conference. (See ECF No. 14).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1 at 1–11) is **GRANTED**. Pauper status doesn't relieve Plaintiff of the obligation to pay the full \$350 filing fee under the statute; it just means that Plaintiff can do it in installments. Plaintiff is not required to pay an initial installment of the filing fee. And Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security. But the full filing fee must still be paid under 28 U.S.C. § 1915(b)(2) even if this action is later dismissed.

2. To ensure that Plaintiff pays the full filing fee, the Nevada Department of Corrections will forward payments from the account of Lionel King, #1099787 to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's

1 deposits (in months that the account exceeds \$10) until the full \$350 filing fee has been
2 paid for this action.

3 3. Service must be perfected within 90 days from the date this order is entered
4 as required under Federal Rule of Civil Procedure 4(m).

5 4. Subject to the findings of the screening order (ECF No. 6), within 21 days
6 of the date of entry of this order, the Attorney General's Office will file a notice advising
7 the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service,
8 (b) the names of the defendants for whom it does not accept service, and (c) the names
9 of the defendants for whom it is filing last-known-address information under seal. As to
10 any of the named defendants for whom the Attorney General's Office cannot accept
11 service, the Office will file, under seal, but will not serve the inmate Plaintiff the last known
12 address(es) of those defendant(s) for whom it has such information. If the last known
13 address of the defendant(s) is a post office box, the Attorney General's Office will attempt
14 to obtain and provide the last known physical address(es).

15 5. If service cannot be accepted for any of the named defendant(s), Plaintiff
16 will file a motion identifying the unserved defendant(s), requesting issuance of a
17 summons, and specifying a full name and address for the defendant(s). For the
18 defendant(s) as to which the Attorney General has not provided last-known-address
19 information, Plaintiff will provide the full name and address for the defendant(s).

20 6. If the Attorney General accepts service of process for any named
21 defendant(s), such defendant(s) will file and serve an answer or other response to the
22 First Amended Complaint (ECF No. 4) within 60 days of the entry date of this order.

23 7. Plaintiff will serve upon defendant(s) or, if an appearance has been entered
24 by counsel, upon their attorney(s), a copy of every pleading, motion or other document
25 submitted for the Court's consideration. If Plaintiff electronically files a document with the
26 Court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P.
27 5(d)(1)(B); Nev. Loc. R. Prac. IC 4-1(b); Nev. Loc. R. Prac. LR 5-1. However, if Plaintiff
28 mails the document to the Court, Plaintiff will include with the document a certificate


1 stating the date that a true and correct copy of the document was mailed to the defendants
2 or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff will
3 direct service to the individual attorney named in the notice of appearance, at the physical
4 or electronic address stated therein. The Court may disregard any document received by
5 a district judge or magistrate judge that has not been filed with the Clerk, and any
6 document received by a district judge, magistrate judge, or the Clerk that fails to include
7 a certificate showing proper service when required.

8 8. This case is no longer stayed.

9 9. And the Clerk of the Court is directed to:

- 10 • Electronically serve a copy of this order and a copy of the First
11 Amended Complaint (ECF No. 4) on the Office of the Attorney
12 General of the State of Nevada by adding the Attorney General of
13 the State of Nevada to the docket sheet. This does not indicate
14 acceptance of service; and
- 15 • Send a copy of this order to (1) the Finance Division of the Clerk's
16 Office and (2) the attention of **Chief of Inmate Services for the**
17 **Nevada Department of Corrections**, P.O. Box 7011, Carson City,
18 NV 89702.

19 DATED: December 13, 2022.

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21 
22 BREND A WEKSLER
23 UNITED STATES MAGISTRATE JUDGE
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